IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 124 of 1994

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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AMBALAL B.RAJPUT & ORS & 1 - Petitioner(s)
Versus
DIST. EDUCATION OFFICER & ORS & 1 - Respondent(s)

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Appearance :
MR RD RAVAL for Petitioner(s) : 1 - 2.
MR RK MISHRA for Respondent(s) : 1,
NOTICE SERVED for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 19/04/2006

ORAL JUDGMENT

1.The petitioners herein were engaged as non-teaching staff of respondent No.2 School. The school had to be closed down on account of which the petitioners and other teaching and non-teaching staff members of the

school were terminated. The case of the petitioners is that the Government should have declared the petitioners as surplus. The Government though has declared other employees of the school as surplus, no decision has been taken with respect to the petitioners.

2. No serious dispute has been raised by the respondents in so far as the averments of the learned advocate for the petitioner is concerned that the Government has not taken any final decision regarding the question of declaring the petitioners as surplus. Learned advocate Shri Raval for the petitioners submitted that the Government should be directed to take a decision in this regard.

3. Having considered the situation, it is directed that respondent No.1 shall take a decision regarding the question whether the petitioners are required to be declared as surplus or not on the proposal made by respondent No.2 in this regard. Such a decision shall be taken within a period of four months from the date of receipt of a copy of this order. I have expressed no opinion on the rival contentions and it will be open for the Government to take a decision in accordance with law. With the above direction, the

petition is disposed of. Rule is made absolute to the above extent with no order as to costs.

Direct service.

(Akil Kureshi, J.)

(vjn)